IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

W.P(C).No. 4753 of 2007(N)

PETITIONER:

S. SHABJAN, KARIKKUZHI VEEDU,
MAYYANADU P.O., KOLLAM DISTRICT.

BY ADV. SRI.SABU GEORGE

RESPONDENTS:

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1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
   REPRESENTED BY ITS MANAGING DIRECTOR,
   `BHADRATHA', MUSEUM ROAD, THRISSUR.

2. THE BRANCH MANAGER, KERALA STATE
   FINANCIAL ENTERPRISES LTD.,
   KOLLAM MAIN BRANCH, KSFE BUILDING,
   CHINNAKKADA, KOLLAM.

3. THE SPECIAL DEPUTY TAHSILDAR (R.R.),
   KSFE LTD., KOLLAM-1.

BY GOVERNMENT PLEADER SMT.N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.4753 of 2007-N

Dated this the 13th day of February, 2007.

JUDGMENT

The petitioner challenges Ext.P5 notice published by the third respondent to sell the property belonging to the petitioner, in public auction, to realise the dues to the Kerala State Financial Enterprises. When revenue recovery proceedings were initiated, the petitioner approached this court by filing W.P.(C).28892 of 2005. The said writ petition was disposed of by Ext.P1 judgment. The petitioner could not comply with the directions therein and therefore fresh recovery proceedings were initiated. He again challenged it before this court by filing W.P.(C). 22368 of 2006. The said writ petition was disposed of by Ext.P4 judgment. The relevant portion of the said judgment reads as follows:

> "In view of Ext.P6, this Writ Petition is not maintainable. But, having regard to the new schemes announced by the K.S.F.E. For closing the loan accounts, it is ordered that if the petitioner pays Rs.1 lakh within one month from today, the 2nd respondent shall consider extending the benefit of the schemes now available for granting relief to defaulters like the petitioner and may extend the same subject to appropriate conditions. Needless to say, if the petitioner fails to comply with the above direction to deposit Rs. 1 lakh or fails to comply with the terms subject to

> which the facility has been extended to him by the 2nd respondent, the said respondent will be free to proceed with the revenue recovery proceedings."

2. Ext.P6 mentioned in the above judgment is Ext.P1 herein. Admittedly, the petitioner could not comply with the direction given by this court in Ext.P4 judgment, the relevant portion of which is quoted above. So, the K.S.F.E has again taken steps, to recover the amount by taking recourse to revenue recovery proceedings. Ext.P5 is issued as part of such proceedings. Therefore, in view of Ext.P4 judgment, this writ petition is not maintainable. Accordingly, it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS